

"The Black Armband Case" Essay from *The Goldfinch*, February 1987

As a student, what rights do you have? Does the U.S. Constitution protect your rights? One of the rights guaranteed by the First Amendment is freedom of speech.

In the 1960s some Des Moines students tested the Constitution's definition of freedom of speech. A few students wore black armbands to school to support a truce (period of peace) in the Vietnam War (1965-73). Black armbands are a symbol of sadness that are sometimes worn to protest some action.

School officials banned (prohibited) the wearing of black armbands and suspended the students from school. The students, in turn, took their case to the U.S. Supreme Court. The case turned out to be one of the most famous students' rights cases in history.

Des Moines school officials announced that high school students would not be allowed to wear black armbands at school in support of a truce on Christmas eve in Vietnam. The Des Moines Register reported on December 15, 1965, that a few students at Roosevelt High School were planning to wear the armbands. One Des Moines school official said, "For the good of the school system we don't think this should be permitted. The schools are no place for demonstrations."

Two more students were suspended from school for wearing black armbands on December 17. Chris Eckhardt, 15, of Roosevelt High School and Mary Beth Tinker, 13, of Harding Junior High School were sent home from school. Chester Pratt, Harding's principal, said Tinker's armband caused no disturbance, but she was sent home because of the ban on wearing black armbands in school.

Mary Beth's brother, John Tinker, 15, and two other students were also suspended from school.

Des Moines School Superintendent Dwight Davis said that the rule against armbands was not intended to prevent students from expressing their views.

A few days later, the Des Moines School Board held a special meeting to discuss the right of students to wear the armbands in school. The Des Moines Register reported: "After a two-hour debate in a meeting room packed with 200 persons—students and adults—the board voted, 4-3 to continue a ban on armbands."

In April of 1966, Mary Beth and John Tinker and Christopher Eckhardt filed a complaint in U.S. District Court. They wanted school officials to end the ban on armbands. They said the ban violated students' rights of free speech.

Tinker v. Des Moines

The U.S. Supreme Court heard their case called Tinker versus Des Moines in February, 1969. The court said the students had the right to wear armbands to school. Seven out of the nine supreme court judges agreed that "students' constitutional rights of free speech permits them to conduct orderly protests, so long as they do not interrupt school activities or the rights of others. The court said the Des Moines

students wore the armbands to show their disapproval of the Vietnam War and their support of a truce. The students did not interrupt school activities. Supreme Court Justice Abe Fortas wrote that the students "caused discussion outside the classrooms, but not interference with work and no disorder. In these circumstances, our Constitution does not permit officials of the state to deny their form of expression."

One supreme court justice who disagreed with the decision of the court wrote that the ruling would encourage other pupils in Iowa and elsewhere to "defy their teachers on practically all orders." The Des Moines Register reported in 1984 that the black armband case, or "Tinker versus Des Moines was and is ... the most important student First Amendment decision in history."